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ARTURO M. CISNEROS

8 UNITED STATES BANKRUPTCY COURT  
9 CENTRAL DISTRICT OF CALIFORNIA – RIVERSIDE DIVISION  
10

11 In re  
12 SHAMICKA LAWRENCE,  
13 Debtor.  
14

Case No. 6:23-bk-15163-WJ

Chapter 7

REPLY IN SUPPORT OF CHAPTER 7  
TRUSTEE’S MOTION TO COMPEL  
TURNOVER OF REAL PROPERTY

[MOTION DOCKET NO. 61]

16 Date: April 30, 2024  
17 Time: 1:00 p.m.  
Ctrm: 304  
18 Address: 3420 Twelfth Street  
Riverside, CA 92501

19 TO THE HONORABLE WAYNE JOHNSON, UNITED STATES BANKRUPTCY JUDGE, THE  
20 OFFICE OF THE UNITED STATES TRUSTEE, DEBTOR, AND ALL INTERESTED PARTIES:  
21 Arturo M. Cisneros, solely in his capacity as the chapter 7 trustee (“Trustee”) of Shamicka  
22 Lawrence (“Debtor”), files this reply in support of Trustee’s motion to compel turnover of real  
23 property commonly known as 11364 Estates Ct., Riverside, CA (“Property”), which motion was filed  
24 on April 9, 2024, as Docket No. 61 (“Motion”).

25 **1. Reply**

26 Debtor does not substantively oppose the Motion insofar as Trustee’s request for an  
27 enforceable order to compel turnover of the Property. Instead, Debtor requests a different move-out  
28 date and submits declaratory evidence to suggest that she will be unable to timely vacate the Property

1 in accordance with the timeline requested by Trustee (i.e. vacate by May 15, 2024), because her  
2 husband Antwuan Hill is too busy to assist her.

3 For Debtor to vacate the Property by May 15, 2024, it is not necessary that she remove all  
4 items of personal property. All that is necessary for Debtor to vacate the Property is that she leave the  
5 Property. If Debtor leaves behind items of personal property, she may make arrangements with  
6 Trustee to retrieve such items. Trustee will also note that Debtor's explanation for why she is unable  
7 to leave the Property by May 15, 2024 fails to explain why Debtor's brother Donnell is unable to  
8 assist her – Debtor's declaration does not make any mention of her brother Donnell, who also resides  
9 at the Property, and does not explain why Donnell cannot assist with any of the difficulties stated by  
10 Debtor. *Cf.* Motion [Dk. 61] at 4:16. Debtor has been on notice since no later than April 8, 2024, that  
11 Trustee was asking for a May 15, 2024 date to vacate the Property. Moreover, Debtor has been in  
12 constant communication with Trustee's broker who has clearly informed her of Trustee's intent to  
13 sell the Property, under which Debtor would necessarily have to leave (including that on ***January 19,***  
14 ***2024 , which is nearly four months prior to the move-out deadline requested by Trustee,*** Debtor  
15 rejected Trustee's equity buyback offer and stated that she would cooperate with sale efforts by the  
16 Trustee).

17 Trustee will be filing a motion to sell the Property for a starting bid of \$1,700,000 and setting  
18 a hearing for May 21, 2024 to approve the sale of the Property and potentially conduct an auction if  
19 any overbids are obtained. There is no requirement that Debtor be permitted to remain in the Property  
20 until the conclusion of the auction, and indeed if the Property is vacant on the sale date, this may  
21 further increase the value of the home such that an immediate sale and immediate close of the sale  
22 may occur without the need to remove any occupants. Trustee respectfully requests that the Motion  
23 be granted, without modification.

24  
25 Dated: April 23, 2024

MARSHACK HAYS WOOD LLP

26 By: /s/ Tinho Mang  
27 D. EDWARD HAYS  
28 TINHO MANG  
Attorneys for Chapter 7 Trustee,  
ARTURO M. CISNEROS

## PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:  
870 Roosevelt, Irvine, CA 92620.

A true and correct copy of the foregoing document entitled: **REPLY IN SUPPORT OF CHAPTER 7 TRUSTEE'S MOTION TO COMPEL TURNOVER OF REAL PROPERTY** will be served or was served **(a)** on the judge in chambers in the form and manner required by LBR 5005-2(d); and **(b)** in the manner stated below:

**1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF):** Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On **April 23, 2024**, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

☒ Service information continued on attached page

**2. SERVED BY UNITED STATES MAIL:** On **April 23, 2024**, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

☒ Service information continued on attached page

**3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL:** Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on **April 23, 2024**, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

### **VIA OVERNIGHT MAIL**

HONORABLE WAYNE JOHNSON  
UNITED STATES BANKRUPTCY COURT  
3420 Twelfth Street, Suite 384 /  
Courtroom 304  
Riverside, CA 92501-3819

☒ Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

April 23, 2024  
Date

Chanel Mendoza  
Printed Name

/s/ Chanel Mendoza  
Signature

**1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF):**

- **TRUSTEE: Arturo Cisneros (TR)** amctrustee@mclaw.org, acisneros@iq7technology.com;ecf.alert+Cisneros@titlexi.com
- **INTERESTED PARTY COURTESY NEF: Alan W Forsley** alan.forsley@flpllp.com, awf@fkllawfirm.com,awf@fl-lawyers.net,addy@flpllp.com
- **INTERESTED PARTY COURTESY NEF: Thomas M Geher** tmg@jmbm.com, bt@jmbm.com;tmg@ecf.courtdrive.com
- **ATTORNEY FOR INTERESTED PARTY MESSAGE ENFY FRANCHISING: Eric D Goldberg** eric.goldberg@dlapiper.com, eric-goldberg-1103@ecf.pacerpro.com
- **ATTORNEY FOR TRUSTEE: D Edward Hays** ehays@marshackhays.com, ehays@ecf.courtdrive.com;alinares@ecf.courtdrive.com;cmendoza@marshackhays.com;cmendoza@ecf.courtdrive.com
- **ATTORNEY FOR DEBTOR: Marc A Lieberman** marc.lieberman@flpllp.com, safa.saleem@flpllp.com,addy@flpllp.com
- **ATTORNEY FOR TRUSTEE: Tinh Mang** tmang@marshackhays.com, tmang@ecf.courtdrive.com;alinares@ecf.courtdrive.com;cmendoza@ecf.courtdrive.com
- **U.S. TRUSTEE: United States Trustee (RS)** ustpreion16.rs.ecf@usdoj.gov

**3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL: CONTINUED:**

**VIA OVERNIGHT MAIL**

**DEBTOR**

SHAMICKA LAWRENCE AND ALL  
OCCUPANTS AND/OR TENANTS  
OCCUPYING THE REAL  
PROPERTY AT:  
11364 ESTATES COURT  
RIVERSIDE, CA 92503-0639

**VIA OVERNIGHT MAIL**

**INTERESTED PARTY**

HAHN FIFE & COMPANY  
1055 E. COLORADO BLVD #5  
PASADENA, CA 91106

**VIA OVERNIGHT MAIL**

**INTERESTED PARTY**

WINTERSTONE REAL ESTATE  
DEVELOPMENT  
23792 ROCKFIELD BLVD., STE 101  
LAKE FOREST, CA 92630